

Federal Register Comment - Noise Complaint and Portal

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CC: Office of Management and Budget (OMB); 725 17th St., NW, Washington, DC 20503 (<https://www.whitehouse.gov/contact/>)

From: Cindy L. Christiansen (clcmilton@gmail.com) and Darlene Yaplee (darlene.yaplee@gmail.com) of Aviation-Impacted Communities Alliance (AICA) (info@aviationimpactedcommunities.org), D. and A. McCoy of GrotonAyer Buzz, and Rudy Moutmaz of Keep It Down Up There

Re: Comments on Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: FAA Aircraft Noise Complaint and Inquiry System (Noise Portal) - Docket Number FAA-2021-25944; OMB Control Number: 2120-0773. <https://www.govinfo.gov/content/pkg/FR-2021-11-29/pdf/2021-25944.pdf>

Idurre L. Isasa-Cowan,

Thank you for the opportunity to comment. We ask that the FAA incorporate the perspectives of communities negatively impacted by aviation noise for the FAA Noise Portal in a similar manner as the FAA addressed the Airlines for America (A4A) [comment letter on April 27, 2018](#) and, by doing so, build trust and respect. Our comments regarding Agency Information Collection Activities should be included, not just summarized, when the FAA makes its request for OMB's clearance of information collection through the Noise Portal. These comments are submitted by the Aviation-Impacted Communities Alliance (AICA), GrotonAyer Buzz, and Keep It Down Up There, representing air travelers, families, organizations, and communities.

The FAA's proposed collection of information fails the OMB's collection requirements because

- it is not "necessary for FAA's performance";
- it inaccurately underestimates the burden to the commenter, especially when there is no to limited benefit;
- in order "to enhance the quality, utility and clarity of the information collection" the FAA needs first to correct the inaccuracies, inconsistencies, and outdated information in its ["Policy on Addressing Aircraft Noise Complaints and Inquiries from the Public \(last updated 12/04/2019\)"](#), and numerous websites about noise and instructions about how to file noise complaints.
- the data have no value. Subsequently, there are no "ways that the burden could be minimized without reducing the quality of the collected information."

We ask that the OMB reject the FAA's request for voluntary data collection for the reasons that follow:

1. **The FAA has scientific data to take action on noise complaints and is not doing so. Therefore, what is the purpose of the FAA's Noise Portal for collecting non-scientific noise complaints and why are we increasing the burden on the public?**
 - The Airlines for America's (A4A) May 29, 2018 comment on the FAA's Noise Portal stated "As the National Airspace System (NAS) cannot function on a non-scientific, subjective or case-by-case basis, FAA should continue to employ a science-based approach to assessing and addressing noise exposure, ...". The FAA should use an evidence- and scientific-based approach to assess and address aviation noise exposure. **It has the evidence and the science it needs from the recently released Neighborhood Environmental Survey (NES) Study results.** Therefore, what difference will it make to further burden the public by collecting noise complaint data through the Noise Portal? To date the FAA has taken no meaningful actions based on the scientific data from the NES.
 - The FAA's second sentence on its ["Combine Noise Reduction Efforts with Community Involvement"](#) information page is **"The FAA is limited by the simple reality that aircraft make noise."** This sentence exemplifies the perspective and culture within the FAA with regards to how it handles noise complaints. The FAA has many noise mitigation strategies at its disposal, but does not consider them or underuses them. The Noise Portal is used to record some complaints, yet it does not seem to have a goal to solve the root causes of the complaints. For example, a root cause is not that "aircraft make noise" but that concentrated flight paths procedures have created sacrificial neighborhoods which suffer from hundreds of significant aviation noise events every day. It is FAA decisions and NextGen Advisory Committee recommendations about how to use the National Air Space that has exacerbated the number of noise complaints. With the results from the NES study, no more noise complaint data are needed for the imperative and long-overdue changes to aviation noise policy.
2. **The Noise Portal adds to the public's undue stress and burden because the FAA's system for handling noise complaints includes FAA Noise Ombudsmen, FAA Noise Portal, Roundtables, email, voice message, and postal mail. These are inconsistent, confusing, inaccurate, insufficient, and overlapping processes for communicating noise concerns to the FAA from the public. Here are examples:**

- The [FAA's Noise Ombudsman page](#) states the Ombudsman "**serves as a public liaison for issues about aircraft noise questions or complaints**" and provides ways for the public to contact them through their "noise" email address. Yet, it is puzzling for the public to then receive an automated email stating:

Noise Complaints.

- If your email was about a noise disturbance from aircraft that operate at a specific airport, please contact that airport directly. Airports have the primary responsibility for monitoring aircraft noise from their operations.
- We are no longer accepting aviation noise concerns at this email address. Concerns submitted to this mailbox will not be responded to or tracked, please visit <https://noise.faa.gov/noise/pages/noise.html> to be redirected to the FAA's Noise Portal, the appropriate place to submit your noise concerns. [our highlights]

When should the public contact their Noise Ombudsman?

- Section (f) states the FAA will accept complaints and inquiries through the FAA Noise Portal, by post mail, by voice message, or through ways described on the FAA's websites. This contradicts the automated response above that states to go to the airport or the FAA Noise Portal.

Section (f) of the FAA's most recent "[Policy on Addressing Aircraft Noise Complaints and Inquiries from the Public \(last updated 12/04/2019\)](#)" claims an element of its initiative to be:

(f) Accepting and registering noise complaints and inquiries containing the necessary information that are submitted through the FAA Noise Portal, by postal mail, or by voice message, as described on the FAA's regional and national aircraft noise websites.

- On December 15, 2021, a resident who is heavily burdened with aviation noise events received a response from Ms. Colleen M. D'Alessandro, the New England Regional Administrator stating:

Your email has been directed to the Noise Portal. **The FAA does not engage with individual private citizens regarding aviation noise. The FAA developed the Noise Portal to create a single point of entry** to address specific questions and address concerns with regard to aviation operations. Our current engagement strategy includes the Noise Portal and working with airports and community leadership through roundtables, ad hoc committees, and task forces to address consensus recommendations from Airport communities. As we and the Boston FSDO have previously communicated to you, your individual concerns should be directed to the Noise Portal. [our bold format]

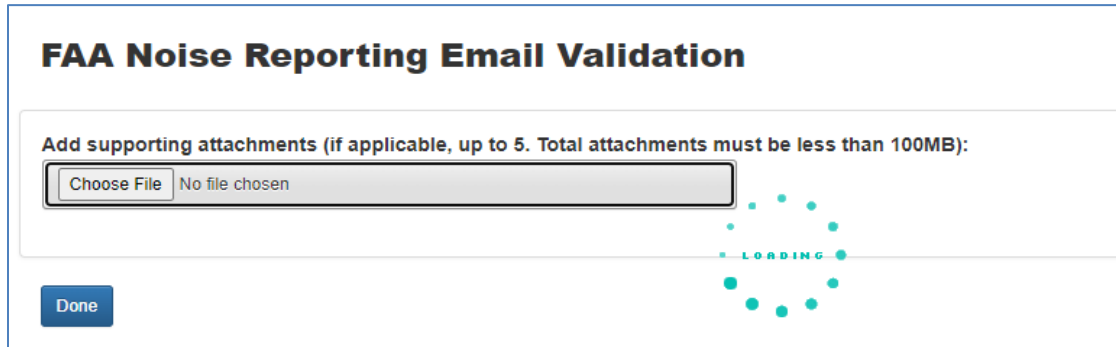
This is contrary to Section (f) of the FAA's policy statement of accepting complaints and inquiries. Additionally, citizens are confused about who to go to with what noise complaint amongst the multiple choices of: the FAA Noise Portal, the Roundtable, the Noise Ombudsman or the Airport. The confusion increases the time and burden on the public to communicate their noise complaint. There is neither a single point of entry for noise issues nor a single repository for noise issues.

- The Noise Portal's Privacy Statement provides insufficient information, is inaccurate, and confusing. The Privacy Statement begins with

This notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a (e) (3), and concerns the information requested on this web form. AUTHORITY: 44 U.C.S. [sic] 3101; Public Law 112-95, Section 341 (3)(A). FAA Modernization and Reform Act of 2012 PRINCIPAL PURPOSE(S): This information will be used to investigate reports of alleged violations involving aviation safety.

- When commenters use the Noise Portal to file a noise complaint, they are required to decide to agree or not to the privacy statement prior to seeing the Noise Portal information collection form and what it requires.
- The AUTHORITY reference is inaccurate because it relates to whistleblower protection. 44 U.S.C. 3101; Public Law 112-95, Section 341 (3)(B) states "(B) DISCLOSURE OF IDENTITIES. —The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—...". None of this privacy requirement is addressed by the FAA.
- Also, the statement is confusing by claiming that the PRINCIPAL PURPOSE of the data collection is to investigate alleged SAFETY violations, not noise complaints.
- For a person's first complaint to the Noise Portal, the FAA requires that their email address be validated. This involves clicking on a link from an automatic email that the

FAA's Noise Portal sends to the commenter's provided email address. After clicking on the link, this appears on a new webpage:



This is confusing because the “loading graphic” appears and continues indefinitely. It is unclear if the user is supposed to click done or not. Even if the commenter attached or did not attach files when using the Noise Portal, to validate one's email address the “loading graphic” still appears.

3. The FAA considers their Noise Portal to be a key part of their "Community Engagement," but it burdens the user who is often diverted to their airport's noise complaint systems.

- The "[Information Collection Instrument](#)" that the FAA submitted to the OMB for this Federal Register request for comments fails to show an important "required" response that appears on the actual Noise Portal [site](#). The FAA uses this required response to send commenters through a maze of websites, a map, and numerous clicks on various links; none of which



are user-friendly. When finally arriving at the local airport's website, the commenter has to search within its webpages to find out how to re-file their noise complaint with the airport. Unfortunately, as seen in 2. above the user does not find out they should submit to the airport complaint system until after they made a submission on the Noise Portal. The actual time to file a single aviation noise complaint quickly doubles or triples because it takes 15-minutes to fill out the Noise Portal form and more time from being redirected and filing on the airport complaint system. Filing complaints on the Noise Portal is an extreme burden to the public and only serves to reduce the number of noise complaints because of the convoluted and complex process, not because there are fewer events to complain about.

4. Given the public's burden to submit complaints, provide transparency of FAA Noise Portal Collected Information - past and future to show usefulness of the collected data.

- Another inaccurate "element of the initiative" described in the FAA's Noise Complaints Policy statement is that the FAA will

Section (d). Post[ing], at least annually, summaries of the numbers and types of noise complaints and inquiries FAA received by FAA region, on regional and national FAA websites. Information will be void of personally identifiable information (PII) such as names, email addresses, postal addresses, phones numbers, etc.

- The FAA has been using the FAA Noise Portal internally agency-wide since August 2018 to track and respond to public aircraft noise complaints and inquiries. However, there are NO posted summaries using the Noise Portal data. The FAA has been collecting data for four years and has done nothing with it to inform the public, communities, or elected officials. When asked, we received this response: "Though not available yet, the agency intends to begin publishing the FAA Aviation Noise Ombudsman Report (which will contain much of the information you cited) in 2022." **The information collected by the Noise Portal is a burden with no benefit and should not be allowed.**
- **In the spirit of transparency and to ensure effective two-way communication between the FAA and the public, we request the FAA to provide past and future updates and summaries of its understanding of the issues at both the regional and nation-wide levels. This will be an indicator of the value of the FAA Noise Portal to accurately capture the issues from the community and what actions have been taken by the FAA to address them.**

5. Limited quality and utility of information - FAA Noise Portal does not respond to all legitimate complaints.

- Communities nation-wide experience harmful impacts of aviation daily and submit noise complaints per event throughout the day. The FAA Noise Portal is set-up to suppress complaints because "The FAA will not respond to the same general complaint or inquiry from the same individual more than once. The same general complaint or inquiry is one that does not differ in general principle from a previous complaint, and that would generate the same FAA response" (FAA Noise Portal, <https://noise.faa.gov/noise/pages/noise.html>, December 11, 2021).
- The FAA policy is analogous to someone being assaulted daily, but only being able to report the assault and receive a response from the police once. It is complaint suppression and it guarantees that the number of complaints about aviation noise will decline, while the impact on residents remains the same or even increases. The data from the FAA Noise Portal will be misleading because it allows the FAA's arbitrary policy to determine the false result that people are complaining less.
- **The FAA should allow the public to complain per noise event.** We agree with the Airlines for America's (A4A) May 29, 2018 comment to the FAA on the FAA's Noise Portal, stating that filers should not be able to "submit multiple complaints for any single event." Instead, filers should be able to submit a single complaint for any single

event. This should be part of the FAA's "collection of information [that] is necessary for FAA's performance" (direct comment regarding Federal Register Supplemental Information, item (a)).

6. Limited quality and utility of information - FAA Noise Portal is burdensome to submit complaints and omits complaints submitted to airports.

- Another flawed FAA Noise Portal policy regarding the collection of information from the public is "Not accepting noise complaints or inquiries from third party automated applications or devices" (FAA Noise Policy, FAA Noise Portal Overview, September 15, 2021, LAX Community Noise Roundtable). Commenters use third party applications to submit complaints to airports from their phones or other devices. The automation is not to game the system, but to have a simplified, digital, way using 21st century technology to manually submit complaints given the application stores user identifier information so it does not need to be resubmitted for each complaint. Airports review the application data before accepting complaints.
- As mentioned by the Airlines for America (A4A) in their May 29, 2018 comment to the FAA on the FAA's Noise Portal, "Noise Portal could well be duplicative of complaints collected by airports", "all large and midsized commercial airports have noise complaint programs, many of which are available by the web", and "Noise Portal will be unnecessarily duplicative of information that is already reasonably accessible to FAA." The FAA should coordinate with airports to include their complaint data in the FAA Noise Portal to have a single repository to understand, summarize, and address all noise complaints. It is inadequate for the FAA to provide links to the airport complaint systems and not have the airport complaints as part of the overall noise complaints analysis and program. Furthermore, the FAA should upload airport complaint data and not fundamentally change the airport complaint systems based on the Airlines for America (A4A) statement "airports already offer an easily accessible venue for the public to make noise inquiries and complaints."
- **For the FAA Noise Portal to have utility, it must include airport complaint data and allow the intake of third-party applications per harmful and noisy aircraft event. This would reduce the burden on the public and would increase the quality of information.**

7. Limited quality and utility of information - The FAA Noise Portal omits complaints from Community Roundtables.

- FAA Administrator Dickson stated in this January 24, 2020 [letter](#) to the Chair of the Quiet Skies Caucus, "FAA has embraced community roundtables as the appropriate place to engage with stakeholders, including community members who live near the airports, about aviation noise concerns."
- On-going issues are raised by communities at Roundtables and these should be included in the FAA Noise Portal for a complete picture of the complaints and tracking of FAA responses. FAA Administrator Dickson further mentioned in his letter "...the creation of teams led by Regional Administrators that will be comprised of representatives across the agency to meet regularly for the purpose of identifying community concerns at an

early stage and determining the plan to communicate and address concerns in an efficient and integrated way.”

- **FAA should include complaints from Community Roundtables to its Noise Portal through the Regional Administrators and Ombudsman entries.**
8. **Commenters want a central repository for complaints and a central process for problem solving, not the burden of what FAA is implementing with its Noise Portal.**
- Instead of a central repository of community complaints for the FAA to acknowledge the intensity of the issues and respond, the FAA is focusing on the process to “...address noise complaints in a clear, consistent and repeatable manner that is responsive to the public and applies the best of FAA resources”. The FAA may achieve “A clear, consistent, and repeatable manner” to address noise complaints at the cost of suppressing complaints, making complaints onerous to submit, and omitting complaints submitted to airports and Noise Ombudsman and complaints from Roundtables especially when FAA staff attend such Roundtable meetings to hear issues. Therefore, the FAA Noise Portal is flawed and does not meet the community expectations for a central repository of constituent complaints.
 - **Commenters want the FAA to provide a central repository of complaints that is inclusive and captures the problems of people on the ground to include per noise event, the issues shared at Roundtables and with Noise Ombudsmen, and the airport complaint systems including the use of applications to manually report complaints. Most importantly, the community wants a process that solves the aviation problems, not a process for record keeping.**
9. **“The federal government has the authority and responsibility to control aircraft noise” by “flight operational procedures,” and “management of the air traffic control system and navigable airspace in ways that minimize noise impact on residential areas,” (Aviation Noise Abatement Policy 1976) – why does the FAA Noise Portal burden the public/communities by redirecting them to airports and Roundtables?**
- The FAA states “Airports have the primary responsibility for monitoring aircraft noise from their operations.” Filers of complaints do not seek the monitoring of aircraft noise; they seek the mitigation of the noise. Per the Aviation Noise Abatement policy, the FAA, not airports, are the entity that should receive and respond to noise complaints given the FAA has primary responsibility for mitigation involving flight operation procedures and the management of the air traffic control system and navigable airspace.
10. **Additional burdens to the commenter.**
- Currently there is no mechanism for the submitter to get a copy and receipt of what was submitted to the FAA. There are numerous anecdotes from the public that there has been no response or reference number when communicating with the FAA via a form submission.

- The burden of submitting one's address is worth the effort only if the Noise Portal collects complaints from all sources: Noise Portal, Noise Ombudsmen, Roundtables, and Airports.

Unfortunately, the FAA's defined policies for implementing the Noise Portal results in no benefit to the community. Because of the overly complex process for filing a complaint, by using the information solely for record-keeping not problem-solving, by eliminating the ability to complain per noise event, and by not including the complaints from airport systems that use modern application technology and issues raised at Roundtables. It is difficult to see how the FAA Noise Portal addresses the complaints in a way that is beneficial and not burdensome to the public.

In a January 24, 2020 [letter](#) to the Congressional Quiet Skies Caucus, % Congresswoman Eleanor Holmes Norton, FAA Administrator Steve Dickson wrote, "...I hope deployment of the noise portal and continued engagement with communities across the country will result in a dynamic of trust and respect." Setting "hope" aside, the FAA's use of their Noise Portal for data collection is seriously flawed and its Noise Complaint policy is inconsistent and inaccurate, both of which result in a legitimate dynamic of mistrust by community members. **The remedy is to change FAA's culture and to pivot from its position that "The FAA is limited by the simple reality that aircraft make noise" to one that uses science, the NES Study results, and acknowledges and corrects the FAA's inequitable and unacceptable decisions to create flightpath procedures and navigation methods that cause harm and reduce the quality-of-life for those living in the FAA's sacrificial communities.**